

ADMINISTRATIVE - INTERNAL USE ONLY



EMPLOYEE BULLETIN

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former
spouses*

EB No. 1137

13 July 1984

PROPOSED RETIREMENT AND HEALTH BENEFITS LEGISLATION

1. This is to advise employees of the introduction of spousal legislation by Congressman Romano L. Mazzoli which was referred to the House Permanent Select Committee on Intelligence (HPSCI). If enacted, this legislation would provide entitlements to certain former spouses of CIA employees who were not eligible for benefits under the CIA Spouses' Retirement Equity Act of 1982. The 1982 Act authorized qualified former spouses an annuity or lump sum benefits if they were divorced after 15 November 1982. (A qualified former spouse is a former wife or husband who was married to a CIA employee for not less than 10 years of creditable service, of which at least five years were spent jointly overseas by both the employee and the former spouse, and who has not remarried before becoming age 60.)

2. The legislation (H.R. 5805) introduced by Congressman Mazzoli would provide a prescribed lifetime annual benefit of approximately \$7,400 to any individual who was a former spouse of an employee or retiree on or before 15 November 1982 and who meets the above definition of a qualified former spouse. As currently proposed, payment of this benefit would be made from the U.S. Treasury and would not require a reduction in the basic annuity of an annuitant or involve any cost to an employee whose former spouse would be eligible for benefits under this legislation.

3. An annuity payable to a former spouse would commence 120 days from the date of enactment if the employee is retired or deceased. In the case of former spouses of employees currently on duty, the annuity would commence 120 days after the retirement or death of the employee, whichever comes first. If a former spouse remarries before age 60, the annuity would cease until that remarriage is terminated by death or divorce. A former spouse would not be eligible for benefits if a lump sum payment had been paid unless the former spouse returns such payment.

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4. The proposed legislation also would make certain that former spouses of CIA employees would be eligible to participate in the Federal Employees Health Benefits Program (FEHBP). If qualified, such individuals would be given the opportunity to enroll in a health plan provided they pay to the FEHBP fund an amount equal to the sum of the employee and Government contributions. To be eligible, the individual must have been covered under the employee's health benefit plan immediately prior to the divorce and have been married to the employee for not less than 10 years during periods of service by such employee with the Agency, at least five years of which were spent overseas by both the employee and former spouse.

5. It now appears that hearings on this legislation will be scheduled by HPSCI in September. Specific dates will be provided when determined. If any employees desire to make their views on this matter known to HPSCI, they should forward their comments through the Director of Personnel to the Office of Legislative Liaison, which will present those views to HPSCI on behalf of the employees.

6. In a related matter, the House Committee on Post Office and Civil Service has been considering legislation (H.R. 2300) which would provide a former spouse of a Civil Service Retirement System participant with a survivor benefit. The major provisions of this legislation would:

a. Require the Office of Personnel Management to pay survivor annuities to former spouses to the extent specified in court orders pursuant to divorce or annulment. (Current law allows for the apportionment of a retired employee's annuity to a former spouse but there is no authority to pay a survivor benefit to a former spouse.)

b. Reduce the employee's annuity to provide the survivor annuity ordered by the court. The reduction would be eliminated if the former spouse remarried before age 60.

c. Terminate a former spouse's right to a survivor annuity if he or she remarried before age 60.

d. Prevent a married employee from waiving a survivor annuity at the time of retirement without the written and notarized approval of the current spouse.

Employees will be advised as events develop on this subject.

7. Any questions on the proposed retirement legislation should be directed to Retirement Affairs Division, Office of Personnel (OP), on [redacted] Questions on the proposed health benefits provision should be referred to the Insurance Branch, Benefits and Services Division, OP, [redacted]

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